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20 Proposed Attorneys for Home Loan Center, Inc.

21 **UNITED STATES BANKRUPTCY COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN JOSE DIVISION**

24 In re:
25
26 HOME LOAN CENTER, INC.,
27
28 Debtor.

Case No.: 19-51455 (MEH)

Chapter 11

**STIPULATION MODIFYING
STIPULATION REGARDING
CONTINUANCE OF AUGUST 29, 2019
HEARINGS AND RELATED
DISCOVERY**

New Hearing Date: September 24, 2019
Time: 10:00 a.m.
Place: Courtroom 3020
280 South First Street
San Jose, CA 95113
Judge: Hon. M. Elaine Hammond

29 This stipulation is entered into by and among (1) Home Loan Center, Inc. ("HLC"), (2)
30 ResCap Liquidating Trust ("ResCap"), (3) LendingTree, LLC and LendingTree, Inc. (collectively,
31 "LendingTree"), and (4) Douglas Lebda ("Lebda") (collectively, the "Stipulation Parties").

32 STIPULATION MODIFYING STIPULATION RE CONTINUANCE OF 08-29-2019 HRGS
& RELATED DISCOVERY

1 WHEREAS, ResCap noticed an August 29, 2019 hearing on its Motion to Convert Case to
2 Chapter 7 (ECF No. 41) (the “Conversion Motion”);

3 WHEREAS, HLC filed the following motions and applications that were also set for hearing
4 on August 29, 2019, or that would be set for hearing on that date if objections were filed: Debtor’s
5 Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362 to Prosecute Appeal of Adverse
6 Judgment (the “RFS Motion”) (ECF No. 17); Motion for Order Authorizing Debtor to Maintain
7 Existing Bank Accounts (the “Bank Account Motion”) (ECF No. 26); Motion for Order Approving
8 Procedures Regarding Assignments/Foreclosure Actions (the “Procedures Motion”) (ECF No. 47);
9 Motion for Entry of Order Pursuant to Bankruptcy Code Sections 363 and 105 Approving the
10 Engagement Contract Between Arch & Beam Global, LLC, and the Debtor (the “A&B Engagement
11 Motion”) (ECF No. 37); Debtor’s Application to Employ Williams & Connolly, LLP as Special
12 Litigation Counsel, Effective as of the Petition Date, Pursuant to Section 327(e) of the Bankruptcy
13 Code (the “W&C Engagement Motion”) (ECF No. 33); and Debtor’s Application to Employ
14 Pachulski Stang Ziehl & Jones LLP as General Bankruptcy Counsel for the Debtor (the “PSZJ
15 Engagement Motion”) (ECF No. 43);

16 WHEREAS, in connection with the Conversion Motion, ResCap served discovery on HLC
17 and third party discovery on non-party LendingTree and noticed/subpoenaed various depositions,
18 including FTI Consulting, Inc. (the “Discovery”);

19 WHEREAS, on August 14, 2019, the Stipulation Parties entered into a Stipulation Regarding
20 Continuance of August 29, 2019 Hearings and Related Discovery (the “Prior Stipulation”) (ECF No.
21 55);

22 WHEREAS, on August 15, 2019, the Court entered its Order Approving Stipulation
23 Regarding Continuance of August 29, 2019 Hearings and Related Discovery (the “Order Approving
24 Prior Stipulation”) (ECF No. 58);

1 WHEREAS, at the Status Conference of the within bankruptcy case held on August 29,
2 2019, HLC announced its intent to file a Notice of Conversion of Chapter 11 Case to Chapter 7,
3 which notice (the "Conversion Notice") was filed on August 29, 2019 (ECF No. 77);

4 WHEREAS, the filing of the Conversion Notice requires modifications to the Prior
5 Stipulation and the Order Approving Prior Stipulation;

6 NOW, THEREFORE, it is hereby stipulated and agreed, by and among the Stipulation
7 Parties as follows:

8 1. The Conversion Motion currently set for hearing on September 24, 2019 at 10:00 a.m.
9 (the "Hearing Date") shall be deemed withdrawn as moot.

10 2. The RFS Motion, Bank Account Motion, Procedures Motion, and the W&C
11 Engagement Motion shall be deemed withdrawn without prejudice.

12 3. Subject to the Court's approval, opposition to the A&B Engagement Motion and the
13 PSZJ Engagement Motion shall be extended for ResCap, the Office of the United States Trustee and
14 any other party in interest to September 6, 2019, and replies and exhibit/witness lists shall remain
15 due seven (7) days before the Hearing Date.

16 4. Any and all obligations to respond to the Discovery and attend depositions set forth in
17 Paragraphs 2 and 5 of the Prior Stipulation shall be deemed suspended, without prejudice to any
18 right of ResCap to institute new discovery or to resume its existing discovery as to the A&B
19 Engagement Motion and the PSZJ Engagement Motion, and the rights of those parties to object to
20 the issuance of any such new or resumed discovery and the contents thereof on any grounds.

21 5. ResCap further herein withdraws without prejudice its Subpoenas issued to FTI
22 Consulting, Inc.

6. No Stipulation Party shall schedule or notice a motion or an application to be heard on a date that precedes the Hearing Date unless such motion or application seeks emergency relief or requests admission for an attorney to appear *pro hac vice*.

Dated: September 5, 2019

By: /s/ K. John Shaffer

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Case No. 19-51455 (MEH)

STIPULATION MODIFYING STIPULATION RE CONTINUANCE OF 08-29-2019 HRGS
& RELATED DISCOVERY

1 Dated: September 5, 2019

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15 Dated: September 5, 2019

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